

Zoning Board Meeting Minutes

Date of meeting: October 1, 2020

In Attendance: Ken Farrell, Matthew McHugh, Esquire, Al Champion, George Seymore, Joanne Redding, Mike Brill and Harry Kramer

Minutes Recorded by Nicole Hartman

1. Pledge lead by Joanne Redding
2. Statement of Rules and Procedures given by Matthew McHugh, Esquire
3. Last month's minutes approved with addition of George Seymore's attendance. Agreed unanimously.
4. Continued Hearing for Muhammad Shafiq—appeal # 2020-2236
 - Location: 1091 Kings Avenue
 - Tax Parcel: 02-031-101
 - Request: Variance for front yard setback and vision obstruction for an existing fence
 - Continuation was originally granted due to lack of notice
 - Non-conforming fence
 - Working through an agreement with the township
 - Waivers
 - Under resolution
 - Recommended to continue hearing until resolution is met
 - If not continuing hearing then applicant must be able to present exhibits on 10/1/2020
 - Agreed to work out an agreement with Ken Farrell and have issue withdrawn
 - Request for continuation made
 - Motion to Continue
 - Unanimous vote for continuation to 11/2/2020
5. Hearing for Terry's 1302 Rty Investment—appeal # 2020-2990
 - Location: 1302 Gibson Road #132
 - Tax Parcel: 02-054-013
 - Request: Variance to have accessory structure greater than 25% of the footprint of the principal structure.
 - Exhibits
 - B1: letter to applicant
 - B2: Proof of Service
 - B3: Proof of Publication
 - A1: Application
 - A2: Certificate of Service

- In attendance on behalf of Applicant
 - Adam Terry—Owner
 - Mr. McGuiness, Esquire from Begley, Carlin and Mandio—Represents Owner
 - Mr. Rose--Engineer
- Summary
 - 2 out of 3 neighbors stated in favor of the new structure
 - Structure would be to store a dump truck, back hoes, bobcat, etc. These construction vehicles are presently stored outside and would be moved into the 80 x 40 pole barn.
 - The Terry Family has owned the mobile park parcel since 1952, including the land where pole barn will be constructed.
 - Pole Barn will not be used for residential.
 - The pole barn will be an improvement to the aesthetics of the property and reduce liability and reason for the variance request.
 - Joanne Redding: anyone for or against the variance
 - Rita Altomari—Lived in home for 40 years. Lives in home is connected to their rental located at 1224 Bridge Road
 - Property is connected to Adam Terry’s home and is a complete eyesore.
 - The renters work nights
 - Mr. Terry is destroying the outside of her home; devaluing the property
 - Exhibit Altomari 1—photos of private property
 - First picture is of what fence originally looked like
 - Fence is now broken; other side is a mess
 - Other side of the fence is a mess
 - She doesn’t trust him because he has said he would take care of it and never does. He doesn’t return telephone calls.
 - More dirt keeps piling up breaking her fence every time bulldozer starts up
 - Fearful dirt will start making its way into the rental property that she owns.
 - Joanne Redding asked how long the mess has been piling up for.
 - Mr. Terry responded approximately 15 years. He has been working on it...he put water lines, keeps stone and dirt.
 - Joanne Redding: wants an expiration date and something put up to benefit the Altomaries
 - Mr. McGuiness, Esq. recommended a physical/visual buffer
 - Matt McHugh, Esq. stated some condition needs to be put into place in order to get approval.
 - Mr. McGuiness, Esq. is in agreement with the recommended conditions
 - Put a fence up to replace what is there as a barrier
 - Make landscaping more desirable to look at

- Joanne Redding stated that the problem is the promises that were made and continually broken.
- Al Champion questioned if Mr. Terry has cooperated with the township each time the township came out.
- Mr. Terry and Mr. McGuinness, Esq. both stated that cooperation has been given each and every time.
- Harry Kramer asked how long the truck has been there. Mr. Terry responded that the truck was removed a year to a year and a half ago.
- Mr. Terry stated that he owns the properties on the other side of Gibson Road too.
- Matthew McHugh, Esq. stated that application needs to be resubmitted with a plan and timetable regarding the north side of pole barn. Regarding the aesthetics of the property
- Ken Farrell stated that everything must be done at the same time or held in violation.
 - Joanne Redding—Motion to close; second-Al Champion. Agreement to close hearing 5/5
 - Motion to grant variance with stipulation—ayes 5/5; nays 0/5

6. Hearing for Speedpro Imaging—Appeal #: 2020-2995

- Location: 2548 Street Road
- Tax Parcel: 02-037-043
- Request: Variance to allow double sided electronic message board
- Exhibits
 - B1—Letter to Applicant
 - B2—Proof of Service
 - B3—Proof of Publication
 - A1—Application
 - A2—Certificate of Service
- In attendance for Applicant
 - Paul Matuszuk Patel
- Summary
 - Notices were not provided ten (10) days prior to the date of hearing.
 - Matthew McHugh, Esq. recommended to continue hearing until 11/5/2020. Suggested to obtain service by certified mail.
 - Harry Kramer—motion to continue hearing until 11/5/2020. Mike Brill—2nd
 - Ayes—5/5; Nays—0/5

7. Hearing for Wicker Avenue, LLC—Appeal #: 2020-2997

- Location: 617 Wicker Avenue
- Tax Parcel: 02-037-043
- Request: Variance for side yard setbacks to construct a single family dwelling.

- Exhibits
 - B1—Letter to Applicant
 - B2—Proof of Service
 - B3—Proof of Publication
 - A1—Application
 - A2—Certificate of Service
 - A3-2—Property deed since 1955
 - A3-3—Tax map for parcels
 - A3-4—Detailed plan of proposed house
 - A3-5—Picture of house being constructed
 - A3-6—Photo of what was on the property
- In attendance for Applicant
 - Mr. Sacco—applicant’s representative
 - Mike Worthington—Applicant
 - Robert Milner
- Summary
 - Mr. Sacco submitted additional exhibits. Exhibits marked as A3-2 and A3-3, etc. by Matthew McHugh, Esq.
 - Mr. Sacco reported that lot is 6250 total square feet, located in an R-1. This ground recently had a trailer on it. Trailer has been removed and lot is presently vacant. Property is non-conforming.
 - Seeking relief for variance. Sketch plan was rejected for side yard setbacks
 - Exhibit A3-3 (tax map for parcels) shows only one (1) lot meets R-1 zoning. All other lots are non-conforming.
 - Joanne Redding asked what the dimensions and square feet. Mr. Sacco stated that the house is 30 feet wide by 42 feet long.
 - Mike Worthington sworn in
 - Dimensions are first floor is 1055 square feet and second floor is 1365 square feet. Total square footage is 2420.
 - Confusion over size of house
 - Joanne Redding stated if the house is 2400 square feet then the house is too big for the lot
 - Joanne Redding recommended that the parties re-examine the square feet and request a continuance.
 - George Seymore stated the board will need the correct numbers
 - Swearing in of Robert Milner
 - Proposal is for a 2400 square foot house
 - Matthew McHugh, Esq. recommended the parties to re-examine and continue
 - Al Champion asked about a one (1) car driveway.
 - Mr. Milner stated the officer said all they needed was zoning for is a side yard.
 - Al Champion stated that the application was for a 2400 square foot house was originally submitted.
 - George Seymore stated a variance would be needed for parking

- Joanne Redding recommended again to request a continuance and re-examine because the smallest house in Village Green sits on a 7500 foot wide lot and 2400 square foot house is too big for a 6200 square foot lot. Recommended to make the variance reasonable and do it the right way.
- Motion to Continue to 11/5/2020. New package to be submitted in 14 days
 - Harry Kramer—motioned
 - George Seymore-2nd
 - Ayes 5/5; nays 0/5

8. Hearing for William Dove and Beth Muller Dove—Appeal #: 2020-2999

- Location: 1075 Tennessee Avenue
- Tax Parcel: 02-055-834
- Request: Variance for front, rear yard setbacks and lot frontage to construct single family dwelling.
- Exhibits
 - B1—Letter to Appellant
 - B2—Proof of Publication
 - B3—Posting of Publication
 - A1—Application
 - A2—Certificate of Service
- In attendance for Applicants
 - Heath Machamer
 - William Dove
 - Beth Muller Dove
- Summary
 - William Dove stated that he wants to build a new home and to move the dwelling in order to be visible from the street. The house he currently resides in sits on a portion of paper road owned and vacated by the County. It is an existing flag lot.
 - Ken Farrell made the explanation to the board
 - Al Champion asked if the address was always Tennessee Avenue
 - The Doves stated yes
 - Beth Muller Dove stated that she wants to conform the home to match the rest of the street
 - Heath Machamer stated that existing home will stand during construction. Once the construction is complete, the Doves will vacate the existing home and the existing home will be demolished. There will be no need for an additional driveway since a driveway already exists.
 - William Dove stated both himself and Beth Muller Dove are physically injured. Want this new dwelling to accommodate future handicap needs.
 - Joanne Redding asked what the size of the lot is
 - Heath Machamer stated 19k square feet. Minimum of 12,000. No encroachment with turnpike.
 - George Seymore stated the need for an infiltration system.

- Heath Machamer stated there is control with water. Existing is 4200 square feet. Requesting 6955 square feet for new dwelling. They are asking for more in the event the Doves decide to add a porch last minute then they already will have a variance and construction will not need to be delayed.
- Joanne Redding asked if anyone in the audience was for or against the request for a variance.
- Roy Deese stepped forward in favor of the variance. He stated that the Doves are great family. They are better than the previous neighbors. Let them build!
- Al Champion motioned to close meeting. George Seymore Second
- Variance granted
 - Ayes 5/5; Nays 0/5

9) R & R Produce and Garden Center—Appeal# 2020-3006

- Location—1215 Bristol Pike
- Tax Parcel—02-029-22
- Request—variance to move freestanding sign closer to the road, building and impervious coverage, rear and side yard setbacks, and parking requirements
- Exhibits
 - B1—Letter to Applicant
 - B2—Proof of Publication
 - B3—Posting of Publication
 - A1—Application
 - A2—Certificate of service
- In attendance for Appellant
 - Sharon Dotts—Engineer
 - Mr. Federman—Representative
 - Mr. Richardson—Owner of R&R Produce & Garden Center
- Summary
 - Mr. Richardson purchased the property in February, 2020
 - Mr. Richardson stated that he was making improvements when Code Enforcement forced him to stop. The improvements will be positive for the community---not negative. He operates in five (5) locations. He is looking to enclose porch; close off a section to renovate into a modified greenhouse; blacktop around perimeter that was gravel.
 - Requesting four (4) variances—Three (3) variances for already existing areas and one (1) variance for moving the sign closer to the street and away from the store.
 - Additional blacktop is needed for the safety of customers, and smoother operation. Having this will make it safer for turning onto Bristol Pike.
 - Ms. Dotts is an engineer in attendance to testify
 - Mr. Federman stated that Mr. Richardson believes the board should approve usage since it will be functioning as it once was permitted by the township
 - The request for variances will not be detrimental to the neighbors or neighborhood. Not granting the variance will be harmful to the community.

- Acknowledgement of some land development plan on keeping original structure just close off the back and add a greenhouse.
- Would like to replace the stone perimeter which is already in existence with blacktop, replace the old greenhouse with a newer, updated greenhouse and enclose one area.
- Mr. Federman pointed out on an enlarged Goggle Earth Photo from 1992 that these area previously existed.
- Presently, there are nine (9) parking spots. Plans include adding one (1) additional parking space. The sign variance request to move the sign two (2) feet back in order to not have it in a “right away.”
- Swearing in of Engineer, Shannon Dotts. Recognized by Matthew McHugh, Esq.
- Ms. Dotts reviewing zoning information of existing v. plan
- The property is still non-conforming just less non-conforming
 - 1 variance is for the sign
 - 3 variances for parking and setback
 - Pre-existing/conforming
 - R & R under impression variance not needed; township says R&R does
- Blacktop is needed for the forklift and shopping carts
- Ken Farrell stated the reason for the flag believed, based on research, that the black top was impervious
 - Possible previous owner did not have permits for work done.
- Ms. Dotts found seepage pit. Testing has been done. Testing showed seepage at 1.25 inches per hour. No flooding issue. Will improve if necessary.
- Swearing in of Ray Richardson, owner of R&R Produce and Garden Center
 - Adopted was stated by Mr. Federman and Ms. Dotts
- Mr. Richardson stated the green area is covered but wants better flow. He would like to add four to five (4-5) more parking spaces
- George Seymore stated that there still needs to be a turnaround area.
- Mr. Federman stated an area will be ultimately be decided on. Have nine (9) now and will increase by a minimum of one (1).
- Regarding deliveries and fork lift operations—Delivery truck will unload and leave. Fork lift will then go and move the deliveries once delivery truck vacates premise.
- Joanne Redding raised the question regarding the location of dumpsters
- George Seymore asked if the dumpster was located near the walk in cooler
 - Mr. Richardson replied “yes.”
- Another question raised by the board was regarding Christmas tree deliveries.
 - Mr. Richardson stated that the Christmas Trees get delivered to the Cottman Avenue location.
- Al Champion questioned why not cover the gravel with grass and asked about whether a fence will be installed.
- Matthew McHugh, Esq. stated that the lot needs to be 25 feet from the property line

- Harry Kramer stated the encroaching is the reason for the setback
- Joanne Redding asked the audience if anyone was for or against the variances and if so please step forward to be sworn in.
- Wesley Myers stepped forward. Owns the Woodshop on Bristol Road and has lived there in the house for 57 years. Problem is water is coming in and flooding the woodshop.
 - He stated he is not trying to be contentious. He wishes nothing but well wishes. Was told to be at the meeting my township engineer. Water has never been an issue until now.
 - Workshop is located to the right of R & R Produce and Garden Center
 - He is concerned over the run off.
 - Mr. Richardson agreed to work with Mr. Myers
- Al Champion stated he hoped Mr. Richardson will redesign and move the parking next to the building and not the fence.
- Mr. Federman stated if the board wants to continue until the parking issue is addressed then fine. Missed the parking issue until Ken Farrell pointed it out earlier. Thought to open the parking for ingress/egress.
- Ms. Dotts stated her concern for tractor trailers turning about but will look at it.
- Matthew McHugh, Esq. stated the Board would recommend reconfiguration and if it does not work come back and tell us all the reasons it does not work. More likely to get approval from the board with issues resolved and not get them to vote on a legal technicality.
- Motion for hearing to be continued to 11/5/2020. Having must be ready in 14 days by Al Champion and Mike Brill 2nd. Ayes 5/; Nays 0/5

10) Motion to Adjourn—Ayes 5/5; Nays 0/5